



Public Notice

**US ARMY CORPS
OF ENGINEERS
St. Louis District
Gateway to Excellence**

**Reply To:
U.S. Army Corps of Engineers
Attn: CEMVS-OD-F
1222 Spruce Street**

**Public Notice No.
P-2565
Public Notice Date
July 14, 2006
Expiration Date
Aug 4, 2006**

Postmaster Please Post Conspicuously Until:

File Number: MVS-2006-672

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States, as described below and shown on the attached maps.

COMMENTS AND ADDITIONAL INFORMATION: Comments on the described work should reference the U.S. Army Corps of Engineers File Number shown above and must reach this office no later than the above expiration date of the Public Notice to become part of the record and be considered in the decision. Comments should be mailed to the following address:

U.S. Army Corps of Engineers
Regulatory Branch
1222 Spruce Street
St. Louis, Missouri 63103-2833
ATTN: Rob Gramke

APPLICANT: Missouri Department of Transportation, 105 West Capitol Avenue, P.O. Box 270, Jefferson City, Missouri 65102, (573)751-2551. (POC: Mr. Buck Brooks)

LOCATION: This project is for improvements to portions of U.S. Route 36 from Macon to Shelby, in Macon and Shelby Counties, Missouri. This project is located approximately 0.83 miles east of the Route 36/Route 63 interchange in Macon County to 0.63 miles west of the Route 36/Route 15 Interchange in Shelby County. The completed project length is approximately 22.24 miles and will be undertaken in conjunction with the proposed U.S. Route 36 improvements east of Shelby that are being reviewed by the Rock Island District (CEMVR-OD-P-2006-348).

PROJECT DESCRIPTION: The applicant proposes to construct a divided, multi-lane highway facility for U.S. Route 36. The proposed dual lane upgrade involves a new bridge over the Middle Fork Salt River in Macon County, a new bridge over Crooked Creek in Shelby County, and the construction of reinforced concrete box (RCB) culverts at Brush Creek and at Winn Branch in Macon County. The construction of two additional lanes with interchanges and at-grade access will require culvert extensions on 22 small streams, 2 perennial streams, and the filling of 0.28-acres of an existing lake. In addition, approximately 13.78-acres of wetland will be permanently filled to support the new lanes. The majority of the wetland impacts (12.92-acres) are located in the floodplain adjacent to Brush Creek and the Middle Fork of the Salt River in Macon County. This area directly south of the existing Route 36 between survey stations 1292+00 and 1338+75 and appears to have been the result of

borrowing activities during the construction of the existing Route 36. The composition of the wetland is pioneer species of green ash, black willow, and silver maple (scrub-shrub) that is interspersed with large portions of emergent wetland dominated by Reed Canary Grass. Other shrub components of the wetland are indigo bush and button bush.

Design alternatives for this project were limited due to the location of the existing highway and the adjacent railroad track. However, the Missouri Department of Transportation has attempted to avoid and minimize all impacts to waters of the U.S. where possible. In addition MoDOT is presently working towards acquisition of a potential wetland/stream mitigation bank site in Northeastern Macon County adjacent to Bear Creek. This site is located in the North Fork of the Salt River Watershed Basin, near the Route 36 project and consists of about 45-50-acres. Approximately 30-35 acres of the property will be restored to wetland and another portion of the site may include riparian area restoration. The required compensatory mitigation for the project described in this public notice will be located at the site whether or not the site is used as mitigation bank. MoDOT has proposed that any additional stream impacts that cannot be mitigated for at this proposed mitigation bank site will be purchased from the Stream Stewardship Trust Fund.

The National Environmental Policy Act (NEPA) requirements for this project were fulfilled through the completion of an Environmental Assessment (EA). The Federal Highway Administration (FHWA) approved the EA and subsequently issued a Finding of No Significant Impact (FONSI) on March 16, 1998. The purpose of the project is to improve both safety and traffic flow along the Route 36 corridor. Upon completion of this project U.S. Route 36 will be a four-lane expressway through Missouri.

LOCATION MAPS AND DRAWINGS: See attached (not to scale). In addition, the project plans may be viewed in more detail by visiting the Public Notice section of our website at <http://www.mvs.usace.army.mil/permits/>.

ADDITIONAL INFORMATION: Additional information may be obtained by contacting Rob Gramke, Project Manager, U.S. Army Corps of Engineers, at (314) 331-8187. Your inquiries may also be sent by electronic facsimile to (314) 331-8741 or by e-mail to robert.gramke@mvs02.usace.army.mil.

AUTHORITY: This permit will be processed under Section 404 of the Clean Water Act (33 U.S.C. 1344).

WATER QUALITY CERTIFICATION: The project plans have been submitted to the Missouri Department of Natural Resources, Water Protection Program for state certification of the proposed work in accordance with Section 401 of the Clean Water Act. The certification is requested as of the date of this Public Notice, and if issued, will express the Agency's opinion that the proposed activities will not violate applicable water quality standards. Written comments concerning possible impacts to waters of Missouri should be addressed to: Water Protection Program, Post Office Box 176, Jefferson City, Missouri 65102-0176, with a copy provided to the Corps of Engineers.

SECTION 404 (b)(1) EVALUATION: The impact of the activity on the public interest will be evaluated in accordance with the Environmental Protection Agency guidelines pursuant to Section 404 (b)(1) of the Clean Water Act.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the applicant's proposal. Any request for a public hearing shall state, with particularity, the reason for the hearing, and must be based on issues that would warrant additional public review.

ENDANGERED SPECIES: A preliminary determination performed by MoDOT, in compliance with the Endangered Species Act, as amended, has been made that the work that is proposed would not affect species designated as threatened or endangered, or adversely affect critical habitat. Therefore, no formal consultation request has been made to the United States Department of Interior, Fish and Wildlife Service. In order to complete our evaluation, comments are solicited from the Fish and Wildlife Service and other interested agencies and individuals through this Public Notice.

CULTURAL RESOURCES: All cultural resources impacts were addressed in the EA for this project. MoDOT received clearance letters from MDNR's Historic Preservation Program (HPP) dated March 3, 1997 and June 13, 1997 for archaeology and architectural resources, respectively. Currently, MoDOT's archaeologists are conducting archaeological surveys throughout the corridor on any remaining tracts of land that were purchased as excess right of way or were acquired based on the needs of the final design. If substantial information from these recent surveys or from the response to public notice indicates that further investigation is necessary, the USACE will consider whether to require additional surveys or not.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that may reasonably be expected to accrue from the described activity must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the activity described, will be considered including the cumulative effects. Among factors considered are: conservation; economics; aesthetics; general environmental concerns; wetlands; historic properties; fish and wildlife values; flood hazards; flood plain values; land use; navigation; shoreline erosion and accretion; recreation; water supply and conservation; water quality; energy needs; safety; food and fiber production; mineral needs; consideration of property ownership; and in general the needs and welfare of the people.

SOLICITATION OF COMMENTS: The U.S. Army Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the proposed activity. Any comments received will be considered by the U.S. Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

DANNY D. MCCLENDON
Chief, Regulatory Branch

Attachments

NOTICE TO POSTMASTERS:

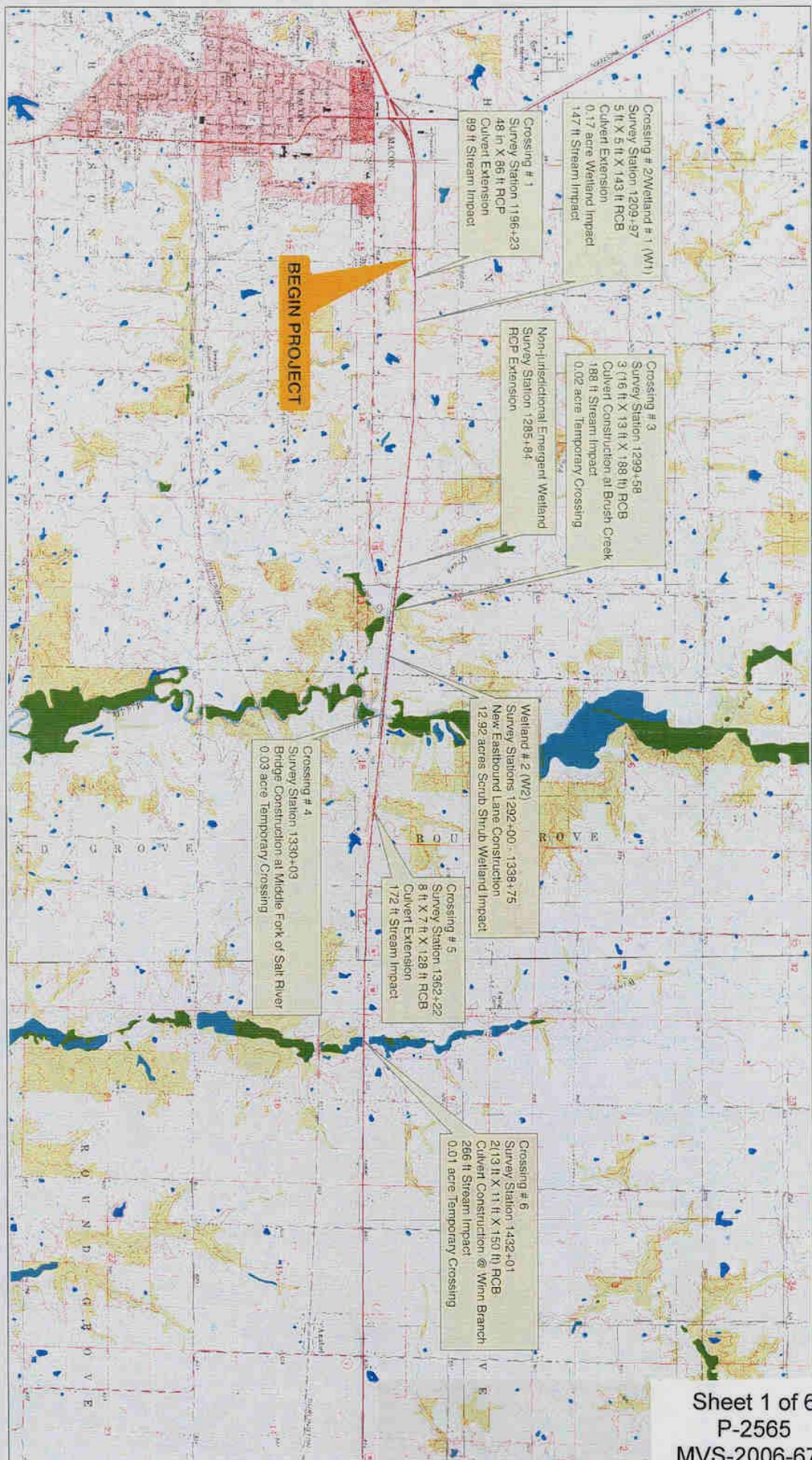
It is requested that this notice be conspicuously and continually placed for 21 days from the date of this issuance of this notice.

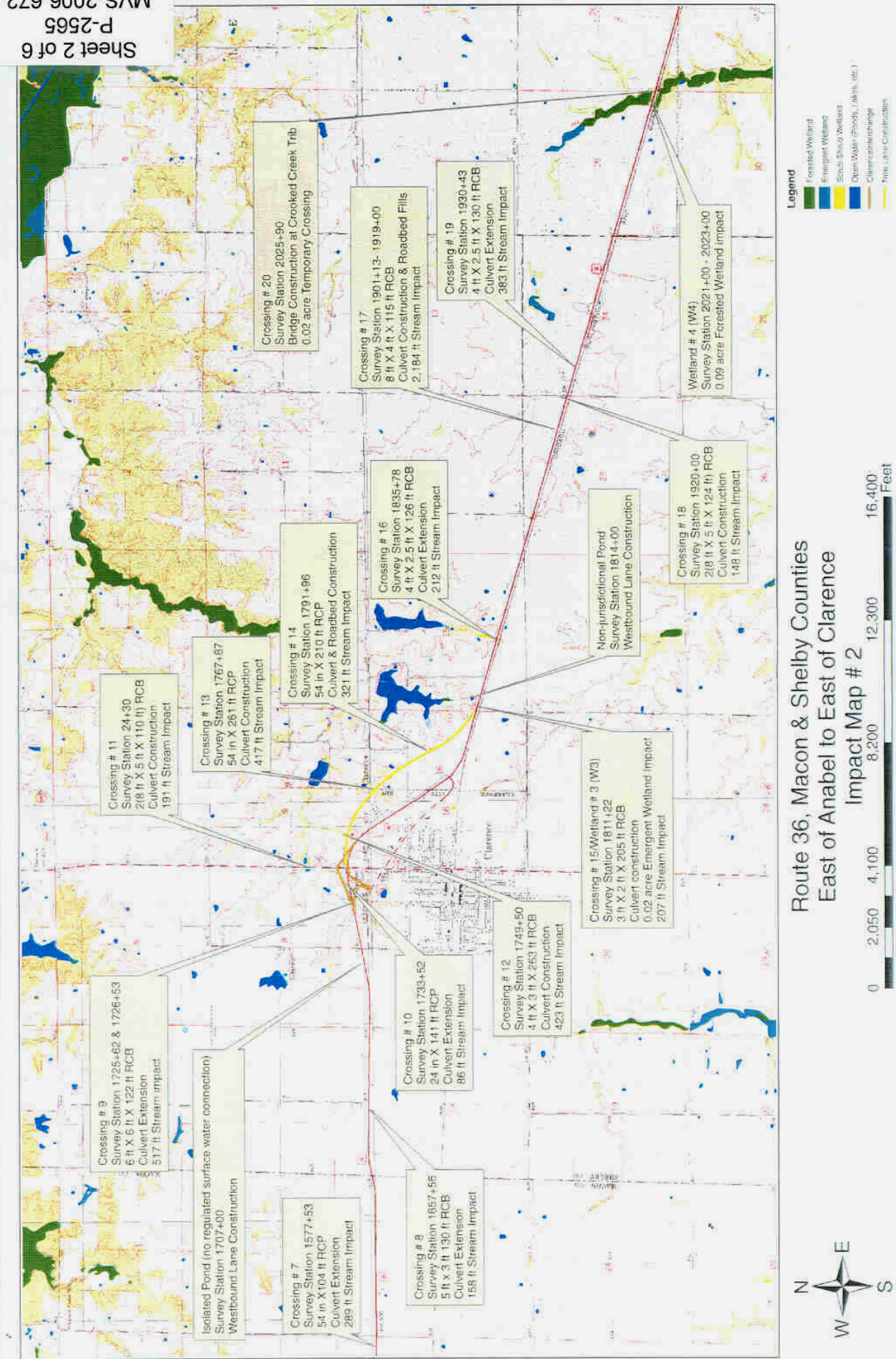


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Feet

Route 36, Macon County East of Macon to East of Anabel Impact Map # 1

- Legend**
- Forested Wetland
 - Emergent Wetland
 - Scrub-Shrub Wetland
 - Open Water (Ponds, Lakes, etc.)
 - Wetland





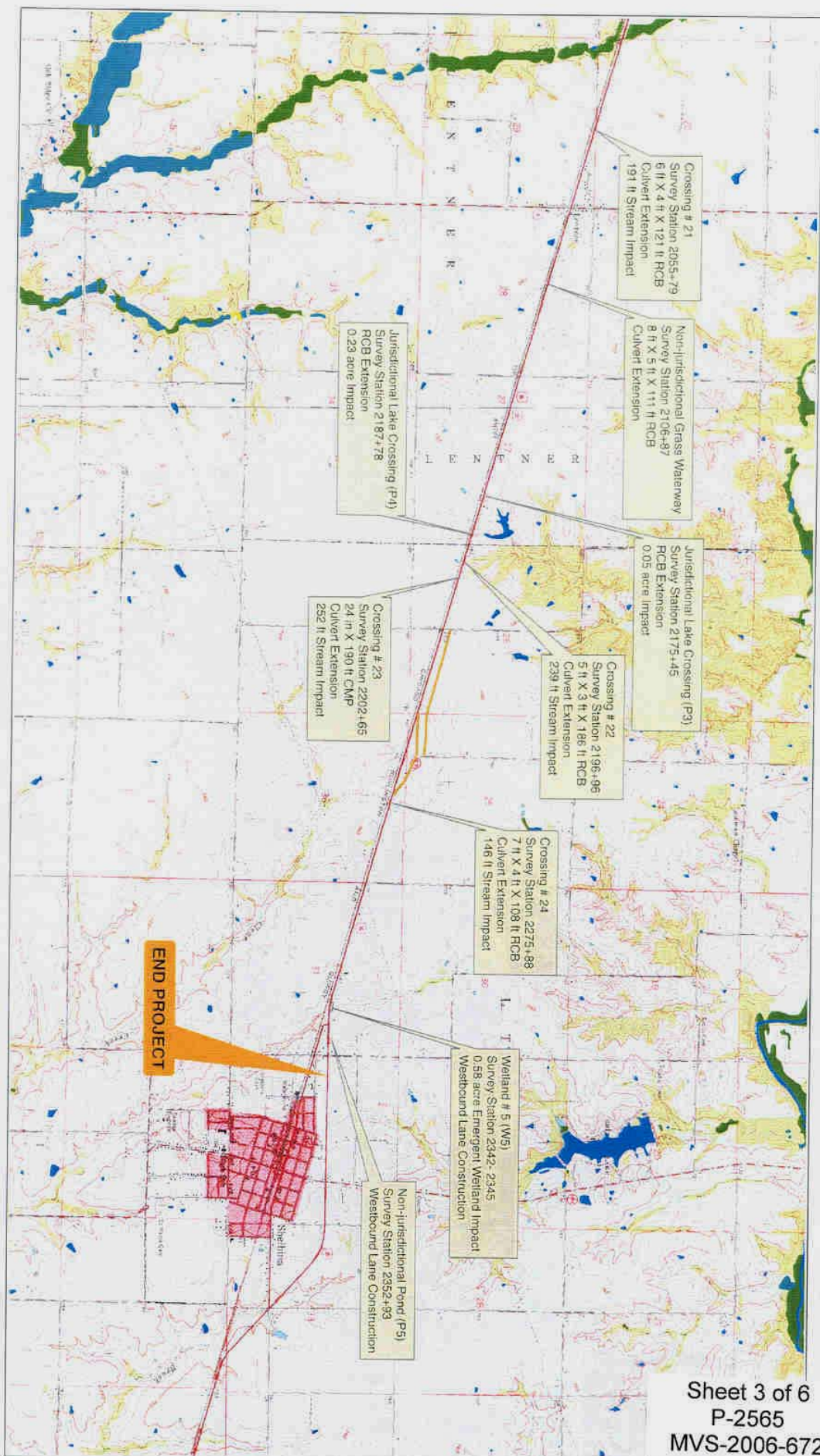


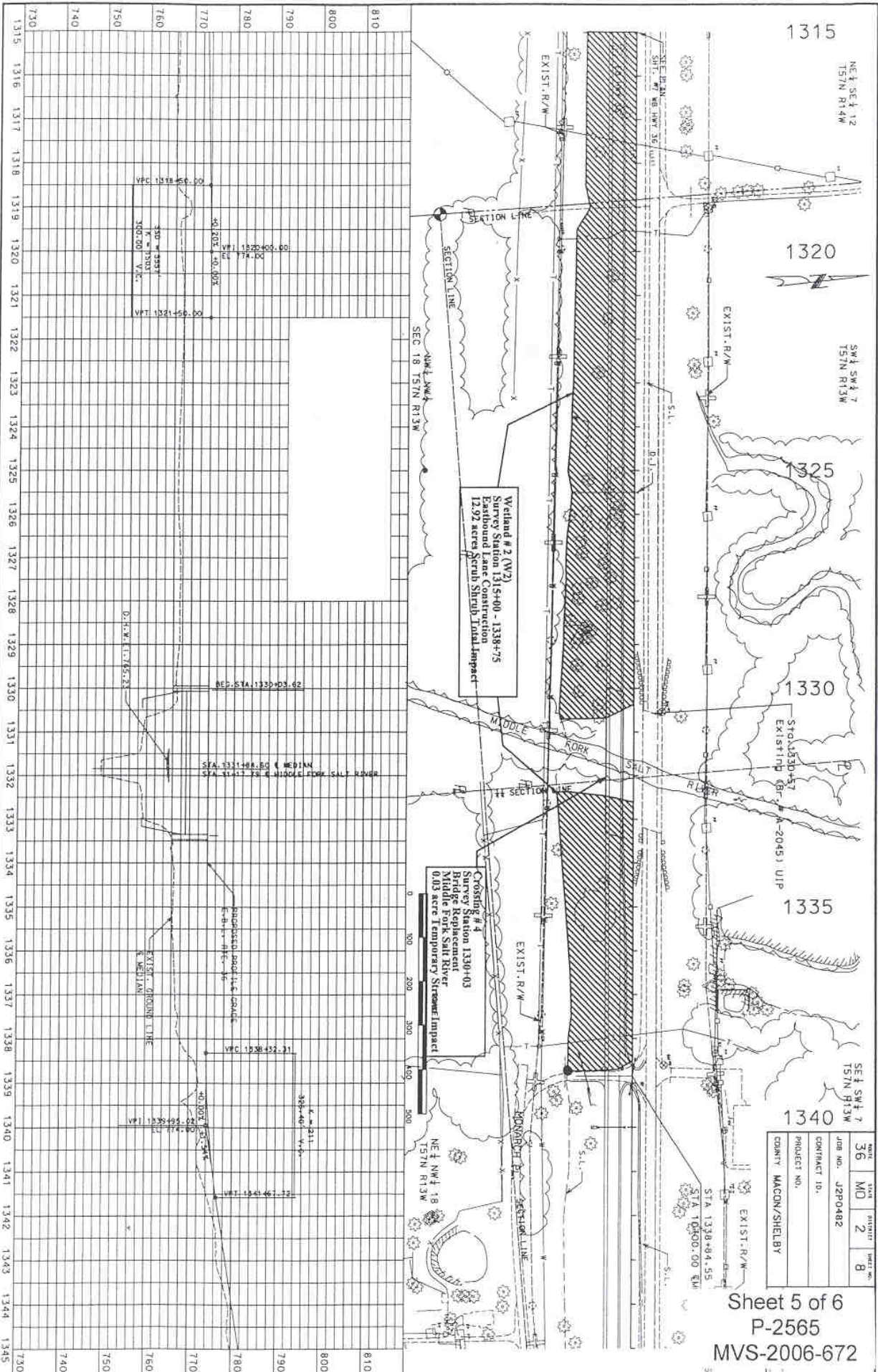
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Route 36, Shelby County East of Lenton to Shelbyna Impact Map # 3

Legend

- Wetland
- Forested Wetland
- Emergent Wetland
- Scrub-Shrub Wetland
- Open Water (Pond, Lake, etc.)
- Channel Connection





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